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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,094	12/17/2001	Adrian Yap	PD-201168	4851

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Hughes Electronics Corporation  
Patent Docket Administration  
Bldg. 1, Mail Stop A109  
P.O. Box 956  
El Segundo, CA 90245-0956

EXAMINER
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HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/022,094		YAP ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Farzana E. Hossain		2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 8-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group 1, Claims 1-7 in the reply filed on 3-14-06 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Lemmons et al (US 5,880,768 and hereafter referred to as "Lemmons").

Regarding Claim 1, Lemmons discloses a method of recording content (Figures 10, 12, 13, 16, Figure 17, 764, 766, 768), comprising displaying a parameter menu of selectable parameters including programs (Figure 2, Figure 3), channels (Figure 9, 402, 404), times (Figure 8, 304, Figure 3, 120), and dates (Figure 8, 302) to be used for recording current or future viewed content or selecting programs to record (Figure 10, Column 20, lines 9-18); and selecting at least one parameter from the parameter menu

via a user interface in order to effect a recording a operation for the content or using a television display to select programs to record after selecting parameters whether programs, dates, times, or channels to record the program (Column 20, lines 9-18, Figure 17, 764, 766, 768).

Regarding Claim 3, Lemmons discloses all the limitations of Claim 1. Lemmons discloses that the parameter menu is displayed as part of any displayed content of an electronic program guide (EPG) (Figures 3-10).

Regarding Claim 4, Lemmons discloses all the limitations of Claim 1. Lemmons discloses the parameters include at least one of a data of program (Figure 8, 302), a time of a program (Figure 8, 304, Figure 3, 120) and a desired channel (Figure 9, 402, 404).

Regarding Claim 5, Lemmons discloses all the limitations of Claim 4. Lemmons discloses comprising displaying a EPG content (Figures 3-6, Figure 10) so as to identify at least one of a program to be recorded (Figure 10, 508), actors in a programs listed or featured performers listed on displayed menu (Figure 10, 504), other showings on the displayed menu or other times (Column 20, lines 28-31), wherein user interface is selected from at least one graphical user interface (GUI) (Figure 2, 84) at a set top box (STB) (Figure 2, 70) or a remote control (Figure 2, 78) accessing the STB (Figure 2, 70).

Regarding Claim 6, Lemmons discloses all the limitations of Claim 5. Lemmons discloses manipulating the displayed EPG data to check for time conflicts between

programs (Column 8, lines 9-18) and to select alternate tuners for the STB (Column 8, lines 15-18).

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al (US 2003/0149988 and hereafter referred to as "Ellis").

Regarding Claim 1, Ellis discloses a method of recording content (Figures 14a, 14b), comprising displaying a parameter menu of selectable parameters (Figure 14a, 1331) to be used for recording current viewed content or selecting programs to record (Figure 14, 1331); and selecting at least one parameter from the parameter menu via a user interface in order to effect a recording a operation for the content or using a television display to select program to record after selecting parameter "yes" whether (Pages 11-12, paragraph 0134).

Regarding Claim 2, Ellis discloses all the limitations of Claim 1. Ellis discloses the parameter menu is mutually exclusive of any displayed content of an EPG or parameter menu can be displayed outside of the EPG such as while watching a program (Figure 14, 1331).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons in view of Lortz et al (US 6,49,410 and hereafter referred to as "Lortz") of and Wang (US 6,675,385).

Regarding Claim 7, Lemmons discloses all the limitations of Claim 5. Lemmons is silent on pausing currently viewed content when the EPG is displayed. Lortz discloses a user interface with a set top box (Figure 1, 10) and remote control (Figure 1, 24) controlling the display (Figure 1, 22). Lortz discloses pausing the currently viewed content of a television program and displaying alternative content or web content (Figure 2, 44, Column 3, lines 56-65) and the user can navigate between the web pages (Column 4, lines 1-17). Wang discloses a system which includes a STB which receives an EPG (Column 3, lines 30-38); the user interface and the STB allows the user to navigate the EPG (Column 3, lines 63-67, Column 4, lines 1-8); and the EPG is in HTML format with assigned URLs (Column 3, lines 63-66). Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Lemmons to pause the currently viewed content of a television program and display alternative content or web content (Figure 2, 44, Column 3, lines 56-65) as taught by Lortz in order to prevent the user from missing the program. Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Lemmons to include EPG in HTML format with assigned URLs (Column 3, lines 63-66) as taught by Wang in order to reduce the amount of memory to store an EPG locally (Column 2, lines 38-41) and to provide a more efficient EPG in terms of processing power and cost (Column 2, lines 47-49) as disclosed by Wang.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ellis et al (US 2005/0235323 and hereafter referred to as "Ellis2") and Knudson et al (US 2005/0273819 and hereafter referred to as "Knudson").

Ellis2 discloses a system that displays an EPG with a parameter menu (Figure 4a), which allow a user to watch and record two different programs (Figure 2a). The system determines any time conflicts with program that is selected for recording (Figures 3b, 3c).

Knudson discloses a system that uses an EPG to record a program via a parameter menu (Figure 4, Figure 11); wherein parameters can be current channel (Figure 1, 145) and programs with other episodes can be recorded (Figure 11, 147, 95) and resolves any conflicts for the program (Figure 16).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FEH  
March 21, 2006

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', with a stylized flourish at the end.

VIVEK SRIVASTAVA  
PRIMARY EXAMINER